

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
Joel L. Witherspoon	:	Chapter 13
	:	
	:	Bankruptcy No. 16-13191-ELF
Debtor.	:	
	:	HEARING DATE: 07/31/2018
	:	HEARING TIME: 1.00 PM
	:	COURTROOM NO. 1

**DEBTOR'S MOTION TO SELL PROPERTY OF THE CHAPTER 13 ESTATE
FREE AND CLEAR OF LIENS**

Joel L. Witherspoon, debtor herein, by and through his undersigned counsel, moves this Court for an Order pursuant to 11 U.S.C. §363 and Fed.R.Bankr.P. 6004 authorizing the sale of real estate located at 1833 South 55th Street, Philadelphia, PA 19143 free and clear of liens and in support thereof states as follows:

1. On May 3, 2016, the debtor filed a voluntary Petition for Relief under Chapter 13 of the United States Bankruptcy Code.
2. Debtor's § 341 Meeting of Creditors was held on July 18, 2016.
3. Debtor now wishes to sell his residence located at 1833 South 55th Street, Philadelphia, PA 19143 (the "Property") and payoff all valid liens, claims or encumbrances and allocate the remaining balance of the sale proceeds to his Chapter 13 plan.
4. Debtor proposes to sell the Property free and clear of all liens, claims, and encumbrances, and in accordance with Fed.R.Bankr.P. 6004 and 11 U.S.C. §363(f).
5. This is a private sale wherein the debtor proposes to transfer his interest in the Property to Robert Makris pursuant to the terms of an Agreement of Sale dated June 2, 2018 and attached hereto as Exhibit "A" and incorporated herein by reference.

6. Pursuant to 11 U.S.C. §363(f), the debtor desires to sell the Property free and clear of any interest other than of the estate with any valid lien, claim or encumbrance to attach to the proceeds of such sale. The preliminary Closing Disclosure has fifteen (“15”) line items: including property liens and transaction fees in connection with the sale of the property:

<u>Creditor</u>	<u>Type of Lien</u>	<u>Amount</u>
City of Philadelphia	2016-2018 Taxes	\$2,040.54
PA Child Support Program	Child Support	\$1,071.76
Advantage Closing Services	L & I Fee	\$125.00
City of Philadelphia	Lien # CE-11-04-33-0411	\$600.00
City of Philadelphia	Lien # CE-15-07-82-0012	\$759.36
City of Philadelphia	Lien # CE-15-09-33-0397	\$1,200.00
City of Philadelphia	Lien # CE-15-10-32-0127	\$1,813.79
PGW	Lien # 070432311	\$839.02
PGW	Lien # 081230556	\$807.96
PGW	Lien # 090730544	\$868.38
Coldwell Banker	Real Estate Commission	\$2,250.00
Century 21	Real Estate Commission	\$2,250.00
Advantage Closing Services	Transaction Fee	\$390.00
Water Revenue Bureau	Water Lien	\$3,490.22
Water Revenue Bureau	Water Lien/No Meter	\$5,000.00
Total Closing Costs		\$24,720.03

7. Pursuant to Fed.R.Bankr.P. 6004, all lienholders have been served with a copy of this Motion.

8. The purchase price set forth in the Agreement of Sale is \$58,000.00 with \$2,000 paid as earnest money and the remaining balance to be paid in cash at closing. Closing is presently scheduled for August 1, 2018.

9. The debtor has agreed to pay a commission of \$2,250 to Coldwell Banker as Broker upon the closing of the sale pursuant to the Listing Agreement. A true and correct copy of the Listing Agreement is attached hereto as Exhibit "B" and incorporated herein by reference.

10. Coldwell Banker and its agent, William Catlett are disinterested persons as defined by 11 U.S.C. §101(14). A true and correct copy of the Affidavit executed by William Catlett on behalf of his agency is attached as Exhibit "C."

11. The debtor believes that the proposed purchase price for the Property is fair and reasonable.

12. The debtor requests that an order be entered authorizing the sale of his Property to Robert Makris for \$58,000.

13. A preliminary Closing Disclosure is attached as Exhibit "D." A final Closing Disclosure will be forwarded to the Chapter 13 Trustee by the Title Company once the transaction has been finalized.

WHEREFORE, Debtor respectfully requests that the Court enter and Order approving the sale of 1833 South 55th Street, Philadelphia, PA 19143 free and clear of all liens pursuant to 11 U.S.C. §363(f).

Respectfully submitted:

Date: July 2, 2018

BY: /s/ Stephen M. Dunne
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